

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

FAROUK SYSTEMS, INC.,
Plaintiff,

V.

MICHAEL ROSENBLUM,
INDIVIDUALLY and D/B/A
FARRAHFAWCETTBEAUTY

Defendant.

[illegible]

Civil Action No. 4:07-cv-03386

FINAL JUDGMENT AND PERMANENT INJUNCTION

Plaintiff, FAROUK SYSTEMS, INC., having previously been granted partial summary judgment against Defendant on the issue of Defendant's liability for trademark infringement, unfair competition, and trademark dilution (Document No. 12) and, thereafter, the Court having heard evidence at the trial of this action on the issue of damages, attorney's fees, and costs, finds that Plaintiff has sustained its burden establishing damages, attorneys' fees, and costs and therefore enters this Final Judgment and Permanent Injunction against Defendant based on the court's findings of fact announced on the record.

The Court ORDERS and ADJUDGES that Plaintiff recover Defendant's profits in the amount of \$74,816.80 due to Defendant's willful infringement of Plaintiff's trademark rights, dilution of Plaintiff's trademark rights, and for engaging in unfair competition. Because this action is an exceptional case under 15 U.S.C. § 1117(a), Plaintiff is also awarded its attorney's fees in the amount of \$15,342.80 and costs in the amount of \$814.39, as authorized by 15 U.S.C. §§ 1117(a). Plaintiff is also awarded post-judgment interest at a rate of 1.24% per annum on all such amounts from the date of this Final Judgment.

It is further ORDERED, ADJUDGED, and DECREED that:

1. Defendant is permanently enjoined from advertising, promoting, representing, offering for sale, or selling any hair care product bearing, displaying, or advertising under: (a) the trademark CHI; (b) the trademark CHI of U.S. Trademark Registration No. 2,660,257; U.S. Trademark Registration No. 3,107,769; U.S. Trademark Registration No. 3,426,769; and/or of U.S. Trademark Application Serial No. 76/512,597; (c) the trademark ULTRA CHI of U.S. Trademark Application Serial No. 78/622,448; (d) the trademark CHI NANO of U.S. Trademark Application Serial No. 77/055,581; or (e) the trademark BIOCHI of U.S. Trademark Application Serial No. 77/265,353 (collectively the “Farouk Systems Trademarks”), unless such hair care products are obtained by Defendant from Farouk Systems, Inc.

2. Defendant is permanently enjoined from advertising, promoting, representing, offering for sale, or selling any hair care product as being sponsored by, associated with, affiliated with, or connected to Farouk Systems, Inc., unless such hair care products are obtained by Defendant from Farouk Systems, Inc.

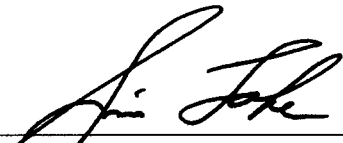
3. Defendant is permanently enjoined from representing to the public that he is authorized by Farouk Systems, Inc. to promote, advertise, sell, or offer for sale any hair care product bearing, displaying, or advertised under the Farouk Systems Trademarks; and

4. Defendant is permanently enjoined from advertising, promoting, selling, offering for sale, or in any other way representing to the public that any hair care products, not originating from Farouk Systems, Inc., are associated with, sponsored by, connected with, or affiliated with Farouk Systems, Inc.

It is further ORDERED, ADJUDGED, and DECREED that this Final Judgment and Permanent Injunction is binding on Defendant, his representatives, successors, and assigns.

This is a Final Judgment.

SIGNED this 15th day of October, 2008.



Sim Lake
United States District Court Judge